

**441 Jane Street - Official Plan Zoning
By-law Amendment and Site Plan Control Applications -
Request for Direction Report**

Date:	March 24, 2014
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 13 – Parkdale-High Park
Reference Number:	13 118452 WET 13 OZ and 13 118472 WET 13 SA

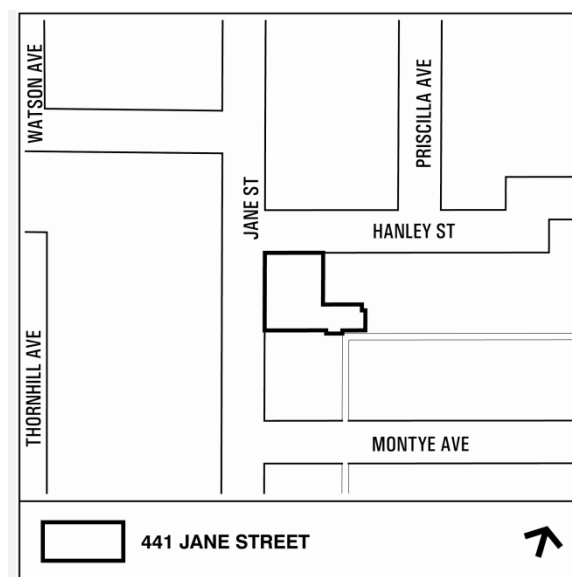
SUMMARY

The owner of the site at 441 Jane Street has appealed the Official Plan and Zoning By-law Amendment application and the associated Site Plan Control application to the Ontario Municipal Board (OMB) citing City Council's failure to render a decision within the time frame prescribed by the *Planning Act*. A hearing date for the appeal at the OMB has been scheduled for June 4-6, 2014.

The site is currently occupied with an automotive repair and vehicle service centre.

These applications propose to amend the City of Toronto Official Plan and the former City of York Zoning By-law No. 1-83, to permit the redevelopment of the site with a five-storey multi-unit residential development in a stacked townhouse form. Four and a half storeys would be above grade (13.5 m) with a half storey located partially below grade. The proposed development would contain twenty-three dwelling units. Twenty-four parking spaces are proposed consisting of twenty spaces in a one level underground garage and four surface parking spaces.

It is staff's opinion that the proposal represents an over-development of the site. The height, massing and scale of the



proposed development would not be in accordance with Provincial policies, the City's Official Plan and would not meet the Toronto Urban Design Guidelines for Infill Townhouses. Therefore, the proposal in its current form should be refused.

Staff are continuing discussions with the applicant in an effort to reach an acceptable settlement of the appeal prior to the OMB hearing.

This report seeks City Council's direction for the City Solicitor and appropriate City staff to attend the OMB hearing to oppose the applications as currently proposed.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff to attend the Ontario Municipal Board hearing to oppose the appeal of the Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications for 441 Jane Street in their current form.
2. City Council authorize City staff to continue discussions with the applicant to negotiate an appropriate development proposal as a settlement of the appeal.
3. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to advise the Ontario Municipal Board of the above City Council position and, should the Board approve the proposal, to:
 - a) request that the Board withhold its Order on the Official Plan and Zoning By-law Amendment application appeal until it has been advised by the City Solicitor that the proposed Official Plan and Zoning By-law Amendments are in a form satisfactory to the City;
 - b) request that the Board withhold its Order on the Site Plan Control application appeal until it has been advised by the City Solicitor that the City's Notice of Approval Conditions has been finalized, and any pre-approval conditions have been satisfied;
 - c) request that the Board withhold its Orders on the Official Plan and Zoning By-law Amendment and Site Plan Control appeals until a revised Functional Servicing Report has been submitted to the satisfaction of the Director, Engineering and Construction Services;
 - d) the City designates the 1.5m wide parcel of City owned land, adjacent to the site, as public highway to facilitate access to the site via the existing public laneway:

4. City Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to the recommendations of this report.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

In February 1966, Site Specific Zoning By-law No. 17778 was adopted, permitting a gasoline service station as an additional permitted use to the R2 Residential District Zone for the lands located at 441 Jane Street.

A Preliminary Report dated March 19, 2013 was considered by the Etobicoke York Community Council at its meeting of April 9, 2013. The decision of Community Council and the Preliminary Report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EY23.5>

On November 15, 2013 the owner appealed the Official Plan Amendment and Zoning By-law Amendment application and the associated Site Plan Control Application to the Ontario Municipal Board, citing City Council's failure to make a decision within the time prescribed by the *Planning Act*. A hearing date for the appeals at the OMB has been scheduled for June 4-6, 2014.

ISSUE BACKGROUND

Proposal

The site is currently occupied with an automotive repair and vehicle service centre. The applications propose the redevelopment of the site with a five-storey, twenty-three unit stacked townhouse development. The total gross floor area would be 2,035 m² with a density of 1.6 times the area of the lot.

The ground floor would be located partially below grade and the other four and a half storeys would all be above grade, having a proposed building height of 13.5 m. Eighteen units are proposed to be two bedrooms and the remaining five units are proposed to be one bedroom units.

Resident parking is proposed to be provided in a twenty-space, one level underground parking garage accessed from a two-way driveway off Jane Street. Four additional parking spaces (3 resident and 1 visitor) are proposed to be located at grade at the southeast corner of the site. These spaces would be accessed via a public laneway that connects to Montye Avenue. An approximately 1.5 m wide parcel of City-owned land is located between the site and the public laneway that would preclude direct access to these spaces. Fourteen resident bicycle parking spaces are also proposed to be located in the underground parking garage with four visitor bicycle spaces proposed at grade.

Outdoor amenity space is proposed to be provided in the form of rooftop terraces, balconies and sunken patios. An additional outdoor amenity area is also proposed at

grade. Twelve units would be provided with rooftop terraces, five units with sunken rear yard amenity space, five units would have balconies, and the remaining through unit would have an at-grade amenity space (see Attachments 1: Site Plan, 2a, 2b: Elevations and 5: Application Data Sheet).

Site and Surrounding Area

The site is approximately 0.13 ha in size and is irregular in shape. It is a corner lot with a frontage of approximately 37 m on Jane Street and 27 m on Hanley Street with an approximate depth of 47 m at the southern portion of the site. The existing automotive repair and vehicle service centre would be demolished.

The southeast corner of the site extends behind an adjacent property that fronts onto Hanley Street to the north and a public lane exists at the south end of the site that exits onto Montye Avenue. Access from the public lane to the subject site is precluded by a 1.5 m wide City-owned parcel of land which is located between the public lane and the subject site. To facilitate any access to/from the site via this laneway, the City would have to grant an access easement over this land or designate the parcel as a public highway. When Site Specific Zoning By-law No. 17778 was passed in 1966 to expand and permit the vehicle service centre, the 1.5 metre wide parcel of land was conveyed to the City for widening of the public lane.

Surrounding land uses in the area are as follows:

North: Single detached and semi-detached dwellings.

South: Single detached and semi-detached dwellings. There is also one three-storey and one six-storey apartment building approximately two blocks south of the site. There also exists a mix of commercial/retail uses along Jane Street south of Montye Avenue in a mixed commercial and residential zone.

East: Single detached and semi-detached dwellings.

West: Single detached and semi-detached dwellings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

Policy 1.1.3.3 of the PPS states that Planning authorities (municipalities) shall identify and promote opportunities for intensification and redevelopment where this can be accommodated.

Policy 1.1.3.4 of the PPS refers to the promotion of appropriate development standards which facilitate intensification, redevelopment and compact built form, while maintaining appropriate levels of public health and safety.

Policy 4.5 also states that Official Plans are the most important vehicle for implementation of the PPS. They are required to identify provincial interests and set out appropriate land use designations and policies. They are also required to provide clear, reasonable and attainable policies that protect provincial interests and direct development to suitable areas.

The City of Toronto Official Plan provides appropriate land use designations with clear, reasonable and attainable policies that protect provincial interests and direct intensification and development to suitable areas while maintaining public health and safety.

Growth Plan

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

The Growth Plan requires that population and employment growth be accommodated by directing a significant portion of new growth to the built-up areas of the community through intensification. The Growth Plan also outlines that municipalities; through their Official Plans and other supporting documents, will develop and implement policies to achieve intensification by recognizing urban growth centres, intensification corridors and major transit station areas as key focus areas to accommodate intensification.

In keeping with this requirement, the City of Toronto Official Plan directs growth to the *Downtown, Centres, Avenues* and *Employment Areas*. The subject site is not located within one of these areas.

Section 2.2.2.1 of the Plan outlines how population and employment growth will be accommodated. The Policy 2.2.2.1(b) indicates that intensification should be focused within intensification areas.

Official Plan

The subject lands are designated *Neighbourhoods* on Land Use Map 14 in the Official Plan (see Attachment 4: Official Plan).

Neighbourhoods (Policy 4.1.1) are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses as well as interspersed walk-up apartments that are no higher than four storeys. Physical changes within the City's established residential

neighbourhoods are required to be sensitive, gradual and generally 'fit' the existing physical character.

The subject site is located on Jane Street which is identified as a major street on Map 3 – Right-of-Way Widths Associated with Existing Major Streets in the Official Plan.

Policy 4.1.5 requires that developments in established *Neighbourhoods* respect and reinforce the existing physical character of the neighbourhood, including in particular the following:

- Patterns of streets, blocks and lanes, parks and public building sites;
- Size and configuration of lots;
- Heights, massing, scale and dwelling type of nearby residential properties;
- Prevailing building type(s);
- Setbacks of buildings from the street or streets; and
- Prevailing patterns of rear and side yard setbacks and landscaped open space.

Neighbourhoods Policy 4.1.7 states:

"Proposals for intensification of land on major streets in *Neighbourhoods* are not encouraged by the policies of this Plan. Where a more intense form of residential development than that permitted by existing zoning on a major street in a *Neighbourhood* is proposed, the application will be reviewed in accordance with Policy 4.1.5, having regard to both the form of development along the street and its relationship to adjacent development in the *Neighbourhood*."

The subject site also varies from the local pattern in terms of lot size and configuration. Where this circumstance occurs in established residential *Neighbourhoods*, Policy 4.1.9 of the Official Plan requires that infill development on these types of properties:

- Have heights, massing and scale appropriate for the site and compatible with that permitted by the zoning for adjacent and nearby residential properties;
- Provide adequate privacy, sunlight and sky views for residents of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed;
- Front onto existing or newly created public streets wherever possible, with no gates limiting public access; and
- Locate and screen service areas and garbage storage to minimize the impact on existing and new streets and residences.

The Built Form policies in Section 3.1.2 of the Plan are also relevant to this application. Policy 3.1.2.1 states that: "New development will be located and organized to fit within its existing and/or planned context. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development by:

- Generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback. On a corner site, the development should be located along both adjacent street frontages and give prominence to the corner. If located at a site that ends a street corridor, development should acknowledge the prominence of that site;
- Locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk;
- Providing ground floor uses that have views into and, where possible, access to, adjacent streets, parks and open spaces; and
- Preserving existing mature trees wherever possible and incorporating them into landscaping designs.

Infill Townhouse Urban Design Guidelines

The Toronto Urban Design Guidelines for Infill Townhouses clarify the City’s interest in addressing the impacts of such developments, with a focus on protecting streetscapes and seamlessly integrating these new developments with existing housing patterns. The Guidelines articulate and clarify the public interest in site design and built form to achieve good urban design. The goals of these Guidelines include the following:

- Clarifying and enhancing the relationship between the development and public streets;
- Maintaining an appropriate overall scale and pattern of development within its context; and
- Consolidating service areas (parking, loading and garbage) to minimize their impact on public streets and open spaces.

Key Guidelines relevant to these applications include the following:

Guideline 1.1 Streets

- Fronts of units should be located onto existing streets.
- Existing streets should be used for address and access.

Guideline 2.1 Setbacks from the Street

- Align setbacks with adjacent buildings to frame the street.

Guideline 2.2 Parking

- Sufficient on-site parking must be provided.

Guideline 2.3 Servicing and Utilities

- Garbage storage and disposal, ramps to underground parking, vents, air condition compressors, meters and transformers should, where possible, be incorporated into the design of the building and/or integrated into landscaped areas.
- The preferred locations for service areas are underground.

Guideline 3.4 The Building Face

- Provide appropriate design treatments for both street facades at the ends of rows.
- Treat townhouses as pairs to better integrate the development into a street of detached houses.

Guideline 4.1 Streetscape Improvement

- New development should improve the adjacent boulevards and sidewalks by incorporating pedestrian lighting, street trees, decorative paving, landscaping and street furniture (where applicable)

Zoning

The site is zoned R2 (Residential Zone 2) in the former City of York Zoning By-law No. 1-83, as amended by Site Specific Zoning By-law No. 17778. This zoning permits a range of residential uses as well as a gasoline service station. A stacked townhouse development is not permitted.

The by-law also sets the maximum density permission for the site at 0.80 times the area of the lot. The maximum height permitted is 11 m and three storeys (see Attachment 3: Zoning).

In accordance with the established transition protocol, the site was excluded from the new City of Toronto Zoning By-law No. 569-2013, as the site was the subject of a complete Zoning By-law Amendment application prior to the passage of this Zoning By-law.

Site Plan Control and Agency Circulation

The proposed development is subject to Site Plan Control. An application for Site Plan Control (Application 13 118472 WET 13 SA) was being reviewed concurrently with the Official Plan and Zoning By-law Amendment application. Responses and comments received have been used to assist in evaluating these applications. However, the Site Plan Control application has also been appealed to the OMB and due to the timing of the appeals, certain outstanding technical requirements remain to be addressed to the satisfaction of City staff as outlined below.

Reasons for the Application

An Official Plan Amendment is required as the proposed development does not conform to the *Neighbourhoods* policies with regard to its height and its respect for and reinforcement of the existing physical character of the neighbourhood (Policy 4.1.5), with respect to intensification on major streets (Policy 4.1.7) and with regard to infill development on properties that vary from the local pattern (Policy 4.1.9).

A Zoning By-law Amendment is required to permit the proposed development and establish appropriate development standards, as a stacked townhouse development is not permitted by the R2 zoning or the Site Specific Zoning By-law that applies to the site.

Community Consultation

Prior to submitting the application an initial proposal was presented proposing a five storey, 24 unit stacked townhouse development with a roof top terrace and twenty-seven parking spaces. Twenty-five parking spaces were proposed in a one-level underground garage with site access proposed off Hanley Street and with surface parking access from a rear public lane connecting to Montye Avenue. The Ward Councillor held a pre-application community information meeting on June 19, 2012 with Community Planning staff in attendance, to present the proposal to the community and obtain feedback/comments. The initial proposal was revised following the pre-application community information meeting resulting in the current proposal, which was submitted with the Official Plan and Zoning By-law Amendment and Site Plan Control applications.

Following submission of the applications in February 2013, a community consultation meeting was held on June 5, 2013 at James Culnan Catholic School to present the current proposal to area residents. The meeting was attended by the Ward Councillor, the applicant and approximately 75 members of the community. Issues raised at the meeting generally related to the proposed development not respecting and reinforcing the existing physical character of the surrounding established residential neighbourhood and the overall scale, mass and density of the proposed development.

Issues and concerns raised by the residents included:

- Increased density, height and built form not respecting the built form character of the area;
- Increased shadow impacts due to the height of the development;
- Deficiencies in parking being proposed and increased parking demand on local streets;
- Lack of green space;
- Site access via Jane Street;
- Increased vehicular traffic on Jane Street as a result of the underground garage access;
- Increased demands on existing City infrastructure (stormwater, sanitary and water);
- Rear yard location and inconvenient access to the proposed garbage area; and
- Lack of loading and service areas for the proposed development.

During the initial and subsequent review of the applicant's proposals, Planning staff identified that the proposed development and built form did not respect and reinforce the existing physical character of the surrounding established residential neighbourhood. Staff also noted concerns with the overall mass and scale of the proposed development, site access and circulation, loading and garbage collection.

COMMENTS

In reviewing the proposal, Planning staff identified the following issues/concerns:

- Inconsistency with the Provincial Policy Statement and Growth Plan;
- Non-conformity with various Official Plan policies and the current Zoning By-law;
- Non-conformity with the Toronto Urban Design Guidelines for Infill Townhouses;
- Inappropriate scale, mass and intensity of the development as it relates to the size of the development parcel;
- Site functionality/safety for pedestrian access to the rear units and vehicular access to visitor parking abutting the laneway to the rear; and
- Lack of an appropriate facade treatment of the end townhouse and set back from Hanley Street.

Provincial Policy Statement

The Provincial Policy Statement policies (Policies 1.1.3.3, 1.1.3.4 and 4.5) applicable to this proposed development indicate that municipalities should:

- Identify and promote opportunities for intensification and redevelopment where this can be accommodated;
- Promote appropriate development standards which facilitate intensification, redevelopment and compact built form, while maintaining appropriate levels of public health and safety;
- Identify provincial interests, set out appropriate land use designations and policies; and
- Provide clear, reasonable and attainable policies that protect provincial interests and direct development to suitable areas.

The City of Toronto Official Plan provides direction for where and how intensification and redevelopment should occur in the City. It also provides land use designations and policies that clearly outline what form development should take.

The areas identified by the Plan for intensification and redevelopment are in the *Downtown, Centres, Avenues* and *Employment Districts*. Although the current proposal site is located on a major street, as identified in the Official Plan, it is not located in an area identified for significant intensification and redevelopment. It is located in a *Neighbourhoods* designation which is not an area where significant intensification is envisioned by the Plan nor is it at a scale and mass that is consistent with the predominant building type in the neighbourhood, which is comprised of single and semi-detached dwellings.

Staff are of the opinion that the scale of intensification being proposed for this site is not consistent with the objectives of the Provincial Policy Statement as it relates to the above policies. The proposal represents an inappropriate scale of intensification at a location

where a smaller scale of built form would better fit the planned neighbourhood context, while respecting and reinforcing the existing physical character of the neighbourhood.

Growth Plan

Section 2.2.2.1 of the Growth Plan outlines how population and employment growth will be accommodated. In particular, Policy 2.2.2.1 (b) indicates that intensification should be focused within intensification areas. Therefore, the Growth Plan reinforces the vision of the PPS by recognizing that intensification and redevelopment should take place appropriately within certain areas

The proposed development is not within an area targeted for intensification and redevelopment. Furthermore, it proposes a height, mass and scale that does not respect or reinforce the predominant building type in the neighbourhood. Therefore, it is the opinion of staff that the proposed development does not provide for an appropriate transition of built form to the adjacent neighbourhood.

Official Plan

The City of Toronto Official Plan provides a policy framework for directing and managing growth while protecting and maintaining the City's stable residential areas. The Plan describes *Neighbourhoods* as physically stable areas made up of residential uses in lower scale buildings where physical changes within these areas are required to be sensitive, gradual and generally 'fit' the existing physical character. The Plan discourages proposals for intensification of land on major streets. However, where development is contemplated that is greater than what is permitted by the existing Zoning By-law, the Plan requires these proposals to have regard for both the form of development along the street and its relationship to adjacent development in the *Neighbourhood*. In having such regard, the Plan clearly articulates that proposals should respect and reinforce the existing physical character of the neighbourhood by providing a scale, mass and dwelling type that fits harmoniously into the existing community context.

As previously noted, the site is designated *Neighbourhoods* and is located on a major street within an established residential neighbourhood. The prevailing building type along Jane Street and within the immediate area is predominantly single-detached and semi-detached dwellings with a mix of small scale commercial/retail uses.

It is staff's opinion that a proposal for twenty-three stacked townhouse units with roof top terraces above a below grade garage where six of the units proposed have access only from a rear walkway, is not an appropriate means of infill development at this location. The proposed development does not comply with the City of Toronto Official Plan Policies 3.1.2.1, 3.1.2.3, 4.1.5, 4.1.7 and 4.1.9 as it does not generally 'fit' the existing physical character of the neighbourhood nor does it provide a scale, mass or dwelling type that integrates harmoniously into the existing community context. Although the Official Plan contemplates some infill within this designation, *Neighbourhoods* are not considered growth areas and the planned context does not anticipate the extent of development currently being proposed.

Land Use

The Official Plan land use designations are a key implementation tool for achieving the growth strategy set out in the Plan. Although the *Neighbourhoods* designation provides for townhouses and interspersed walk-up apartment buildings up to four storeys in height, the application proposes a residential building height that exceeds four-storeys and is not appropriate in its current form for the existing neighbourhood context. This neighbourhood is comprised largely of low-rise residential dwellings that provide both front and rear yard amenity space directly accessible at grade with main building entrances fronting onto an existing public street. Therefore, it is staffs opinion that a reduced-scale development that provides for greater individual amenity space directly accessible at grade, with main building entrances fronting onto a public street would better integrate into the existing neighbourhood context and be more suitable for this site.

Built Form and Urban Design

Chapter 3 of the Official Plan establishes the policy direction for guiding growth by integrating social, economic and environmental perspectives on the built, human and natural environment. The Built Form policies identify the importance of urban design as a fundamental element of City building. These policies are intended to minimize the impacts of new development and guide the form of new buildings to fit within their context.

The Toronto Urban Design Guidelines for Infill Townhouses provide site design and built form criteria for Infill townhouse developments, to achieve good urban design. These Guidelines are consistent with the Built Form policies in Section 3.1.2 of the City's Official Plan in providing principles that assist in developing attractive and vibrant neighborhoods. As noted previously, these Guidelines encourage infill development that provides:

- Main entrances along a public street frontage;
- Appropriate setbacks that are aligned with adjacent buildings;
- Sufficient on-site parking;
- Service areas underground;
- Appropriate design treatments to both street facades on corner lots; and
- Townhouse pairings to better integrate the development into a street of detached houses.

The current proposal provides amenity space at the rear of the building for six of the twenty-three units being proposed. The only access for these six units would be via a private walkway that is enclosed by fencing along the rear lot line adjacent to the neighbouring property. Five of these units would have sunken rear yard amenity space and one unit would have its amenity space at grade. This proposed condition does not provide for a safe or secure environment as none of these units front onto an existing public street with clearly visible and direct access from the public sidewalk. It is staff's opinion the proposal should be modified to provide for safe, visible access by eliminating

the sunken amenity space and providing main building entrances fronting onto Jane Street.

The proposed development would also provide no side yard setback from Hanley Street, which is not consistent with the setbacks of the adjacent properties. It is staffs opinion that a side yard setback should be provided to give greater exposure to natural sunlight on Hanley Street, to allow room for landscaping for better stormwater filtration, and to maintain the existing prevailing pattern of setbacks on the street, which would enhance the public realm. In addition, with a greater side yard setback and modified design treatments to the north and west facing building façades, the proposed development would have greater articulation from both Hanley Street and Jane Street and be more in keeping with the existing neighbourhood context.

Although the development would provide sufficient on-site resident parking, not enough visitor parking spaces are being provided. Further, a number of the proposed parking spaces in the underground garage are undersized based on current zoning standards. Additionally, an enclosed garbage storage area is proposed at grade in the southeast corner of the site that is in an inconvenient location for most of the units. It is staffs opinion that a more modest development with fewer units would allow for sufficient parking spaces to be provided underground. Further it would allow for the service area to be better incorporated into the design of the building.

Density, Height and Massing

Zoning By-law No. 1-83 sets a maximum density permission for the site at 0.80 times the area of the lot. The proposed development would have density or Floor Space Index (FSI) of 1.60 times the area of the lot. The density proposed for this site is double the maximum allowable and far exceeds the density of developments in the surrounding neighbourhood context of detached and semi-detached dwellings. As such, it is not appropriate for this location.

The application also proposes a building height of 13.5m with four and a half storeys above grade. The R2 Residential zoning of the surrounding established neighbourhood permits buildings with a maximum height of 11m with not more than three-storeys. This is consistent with the new City wide Zoning By-law 569-2013, which is applicable to the surrounding neighbourhood.

Therefore, the proposed height and storeys are not consistent with the applicable Zoning By-law. Further, the built form and massing does not provide for a development that meets the objectives of Section 4.1 of the Official Plan. As proposed, the development would result in a scale and massing that is inconsistent and not compatible with the existing surrounding physical neighbourhood.

Amenity Space

The development proposal includes outdoor amenity space in the form of rear yard amenity space, balconies, roof top terraces and an associated outdoor landscaped area. Given the neighbourhood context, staff are of the opinion the development would be more appropriately designed with grade related amenity space at the rear instead of the

proposed sunken patios and roof top amenity space. Further, staff believe the associated landscaped area could be enlarged if the overall mass and scale of the development was reduced and accommodated fewer units.

Vehicular Parking

Of the twenty-four parking spaces being proposed (23 resident and 1 visitor), twenty spaces would be provided in a one level below grade parking garage, and the other four spaces would be provided at grade. Five underground parking spaces are deficient in size based on current zoning standards. Furthermore, based on the number of dwelling units being proposed, three visitor spaces are required whereas only one visitor space is being proposed. With a more modest built form, the proposal could be more in keeping with the current zoning requirements for parking spaces.

Transportation Services staff have indicated the parking space dimensions should comply with the minimum Zoning By-law requirements.

Transportation Services staff also recommend the parking for the proposed development should be provided at the following minimum ratios:

- Bachelor dwelling units at 0.70 stalls per dwelling unit;
- One-bedroom dwelling units at 0.80 stalls per dwelling unit;
- Two-bedroom dwelling units at 0.90 stall per dwelling unit;
- Dwelling units with three or more bedrooms at 1.10 stalls per dwelling unit; and
- Residential visitor parking at 0.15 stalls per dwelling unit.

Staff have also requested the draft site-specific by-law be revised to include the recommended minimum parking ratios for the subject residential development. Revisions to address this request have not been received.

Access to the proposed rear yard surface parking spaces remains an outstanding issue. The City-owned parcel that separates the site and the public lane has not been dedicated by the City as a public highway to provide direct access to the site. Therefore, the four parking spaces proposed at grade (3 resident and 1 visitor) cannot be accessed without this parcel of land being dedicated. Should the development be approved, staff are recommending the Ontario Municipal Board be requested to withhold its Order until the City-owned parcel is dedicated as public lane.

Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43-0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland and is in a parkland priority area as established by By-law 1020-2010.

The applicant proposes to satisfy the parkland dedication requirement by cash-in-lieu payment. Parks, Forestry and Recreation staff are satisfied with the proposal for a cash-

in-lieu payment as the parkland dedication associated with the development would be too small to create a serviceable park. Should the development be approved, the actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit by the Facilities and Real Estate Division.

Trees

This application is subject to the provisions of the City of Toronto Private Tree Protection By-law. An Arborist Report, Tree Inventory and Tree Preservation Plan were submitted with the application. The Report indicates that six trees are located on private lands, four of which would be preserved and two would be removed as a result of this development. An application to injure or destroy these trees will be required in accordance with Chapter 331 of the City of Toronto Municipal Code.

Urban Forestry staff have advised the current landscape plans are not satisfactory and have requested revised plans be submitted to better address both City and private tree removal, maintenance and planting requirements. The revised plans have not yet been received. Urban forestry Staff have also advised that the requirements and related approval process of the City's Tree By-laws must be fulfilled. Should the development be approved, these requirements will be addressed through the finalization of the Site Plan Control application.

Toronto District School Board

Toronto District School Board (TDSB) staff have advised there is insufficient space at local schools to accommodate students anticipated from the proposed development. TDSB staff have indicated that children from this new development will not displace existing students at local schools. In addition, alternative arrangements will be identified consistent with optimizing enrolment levels at all schools across the TDSB. However it is unknown at this time which schools are anticipated to serve this potential development.

TDSB staff are requesting that as a condition of any approval, signs be erected on site and that all offers of purchase and sale include warning clauses advising potential purchasers of the TDSB's requirements. Should the development be approved, this requirement will be addressed through the finalization of the Site Plan Control application. There were no comments from the Toronto Catholic District School Board.

Solid Waste Management

Engineering and Construction Services staff advise that the proposed development would be eligible for City garbage, recycling and organic collection services.

Stormwater Management and Site Servicing

Engineering and Construction Services staff have requested the applicant submit a revised Functional Servicing Report that confirms the existing flow rates and identifies clearly whether the existing storm infrastructure can support the proposed development, without the need for external upgrades or retrofits. A revised Functional Servicing Report has not yet been received. As such, should the Ontario Municipal Board approve

the proposal, staff are recommending the Board be requested to withhold its Order until a revised Functional Servicing Report has been submitted to the satisfaction of the Director, Engineering and Construction Services.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The proposal is required to meet the Tier 1 of the TGS and the Site Plan Control application is currently being reviewed for compliance with the TGS. Should the development be approved, this requirement will be addressed through the finalization of the Site Plan Control application.

Conclusion

It is staff's opinion that the proposed amendment, to the City of Toronto Official Plan and the former City of York Zoning By-law No. 1-83, should not be supported as the proposed development is not consistent with the Provincial Policy Statement, the Growth Plan, the City of Toronto Official Plan and Toronto Urban Design Guidelines for infill Townhouses.

More specifically, the proposal does not have appropriate regard for the City's policies which require that new development fit within the existing neighbourhood context by respecting and reinforcing the existing physical character, built form and pattern of development prevalent in the established residential neighbourhood.

The proposed five-storey 23 unit stacked townhouse proposal currently includes the following features:

- Roof top terraces for 12 of the 23 units;
- Main entrance access for 6 of the 23 units via a private walkway located at the rear of the development;
- Sunken rear yard space for 5 of these 6 units;
- No side lot line setback; and
- Five undersized underground parking spaces.

A more modest scale of development that provides for a reduced building height, compliance with Zoning By-law parking standards, grade related directly accessible rear yard amenity space, main unit entrances accessed from a public street (Jane Street) with appropriate development setbacks and a built form that is more in keeping with current Zoning By-law requirements and more sensitive to the predominant existing built context of the neighbourhood, would be more appropriate for this site.

It is recommended that staff be directed to attend the Ontario Municipal Board hearing to oppose the current Official Plan and Zoning By-law Amendment application and the associated Site Plan application for 441 Jane Street. It is also recommended that staff be directed to continue discussions with the applicant to negotiate an appropriate development proposal as a settlement of the appeal of these applications to the OMB.

CONTACT

Natasha Laing, Planner
Tel. No. (416) 394-8205
Fax No. (416) 394-6063
E-mail: nlaing@toronto.ca

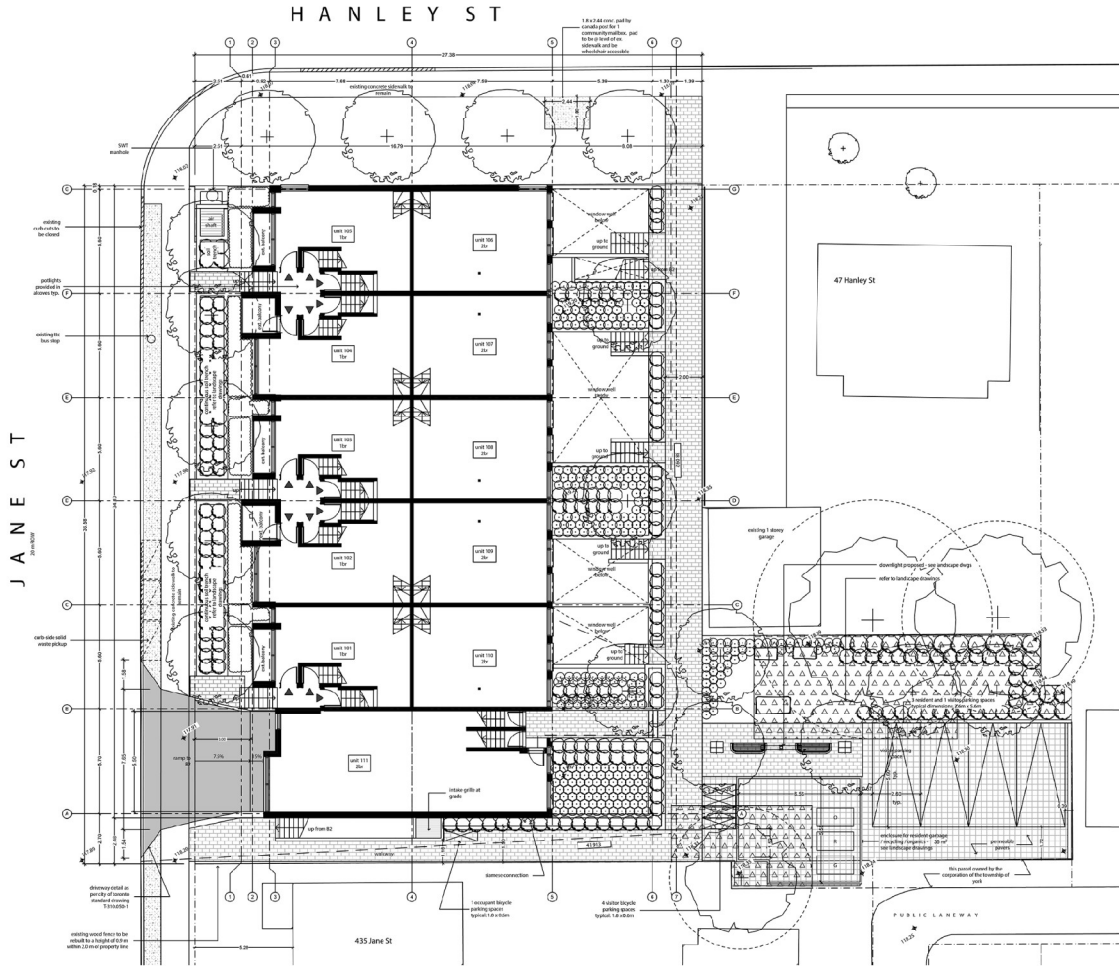
SIGNATURE

Neil Cresswell, MCIP, RPP
Director Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2a: Elevations
Attachment 2b: Elevations
Attachment 3: Zoning
Attachment 4: Official Plan
Attachment 5: Application Data Sheet

Attachment 1: Site Plan



Site Plan

441 Jane Street

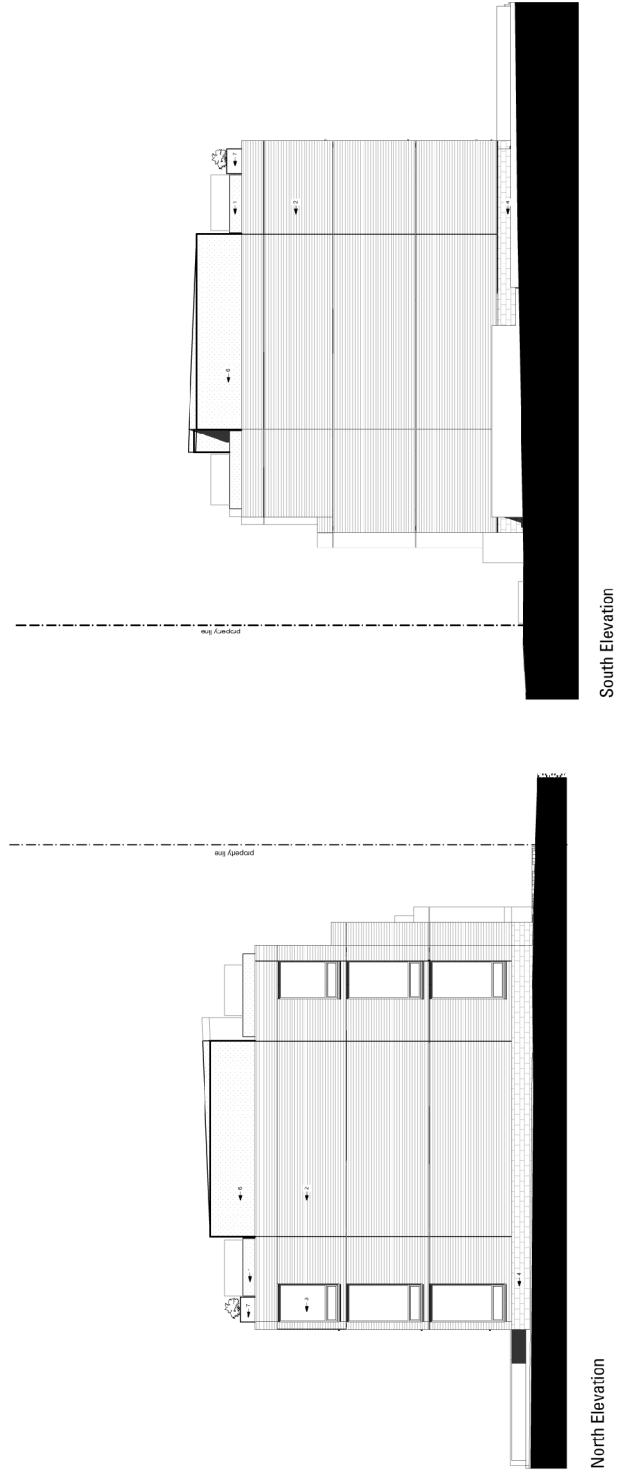
Applicant's Submitted Drawing

Not to Scale 

01/30/13

File # 13 118452 WET 13 0Z

Attachment 2a: Elevations



Elevations

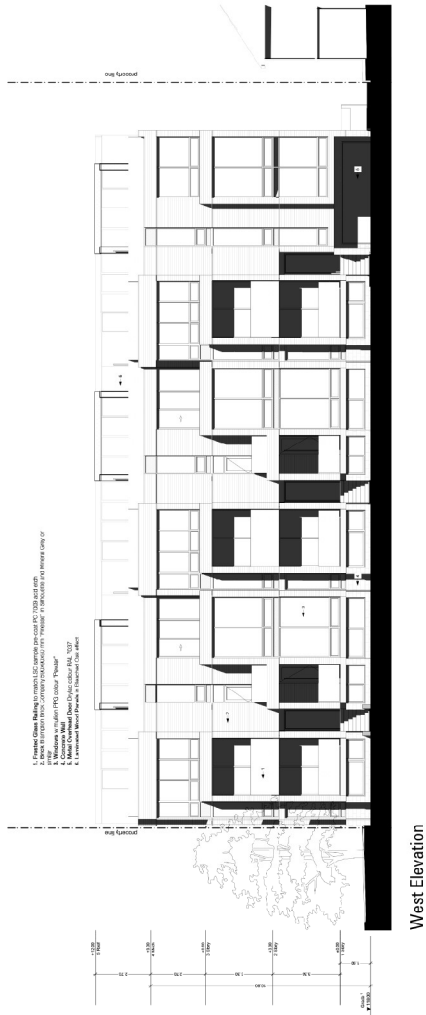
Applicant's Submitted Drawing

Not to Scale
01/30/14

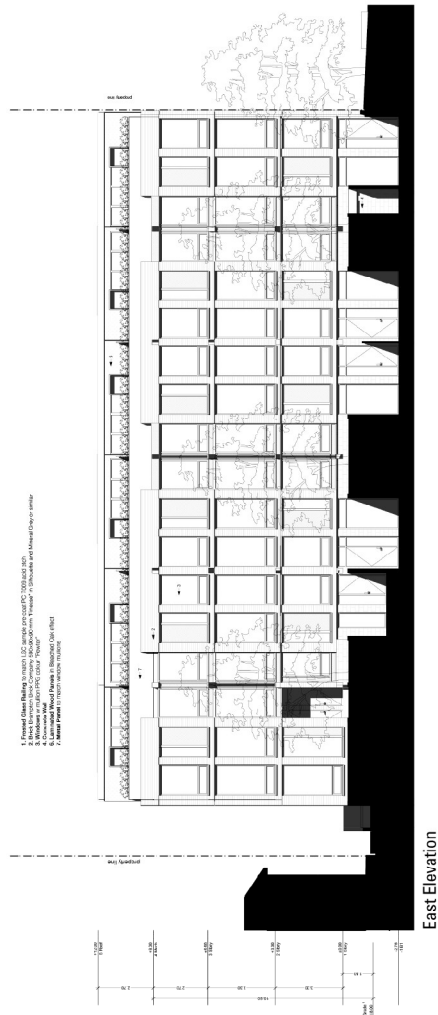
441 Jane Street

File # 13 118452 WET 13 0Z

Attachment 2b: Elevations



West Elevation



East Elevation

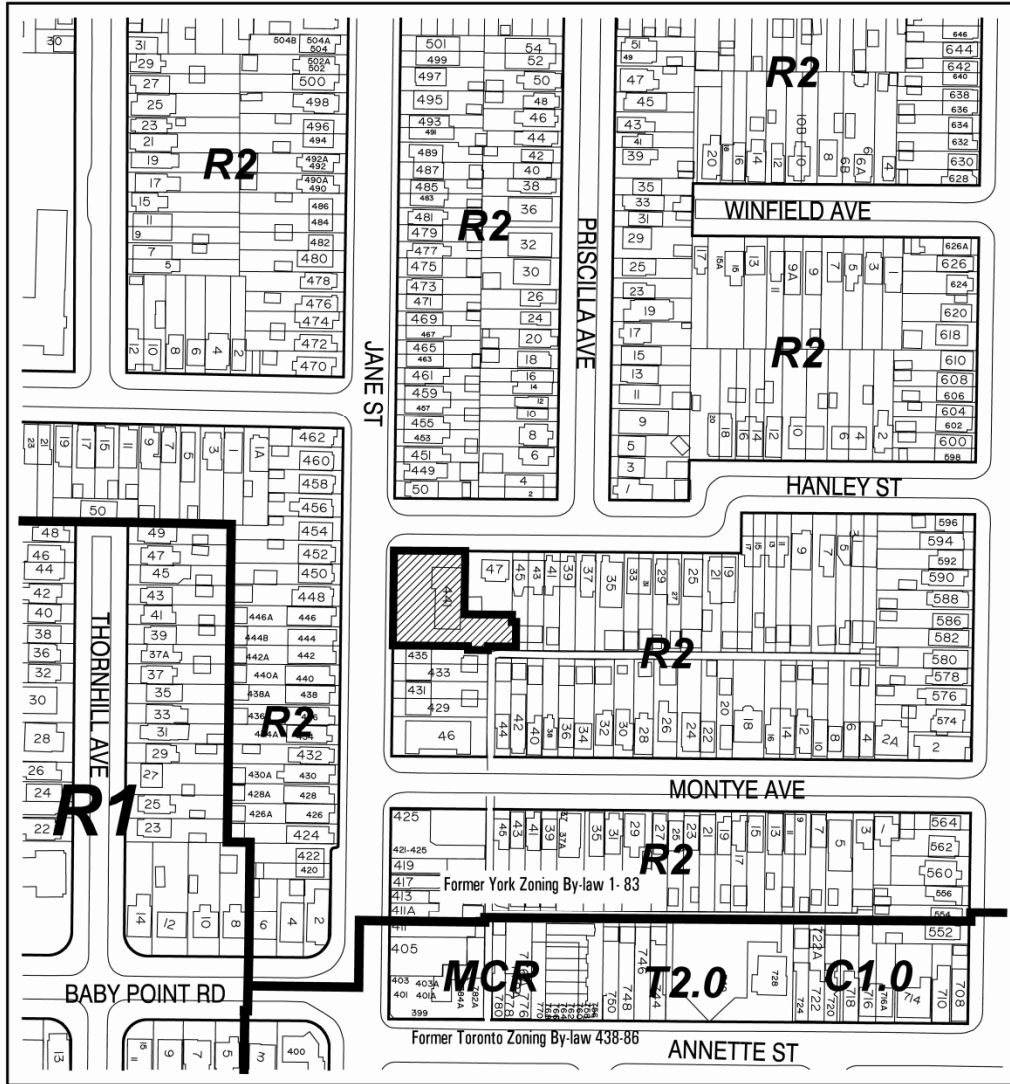
441 Jane Street

Elevations
 Applicant's Submitted Drawing

Not to Scale
 01/30/14

File # 13 118452 WET 13 0Z

Attachment 3: Zoning



441 Jane Street

File # 13 118452 WE 13 0Z

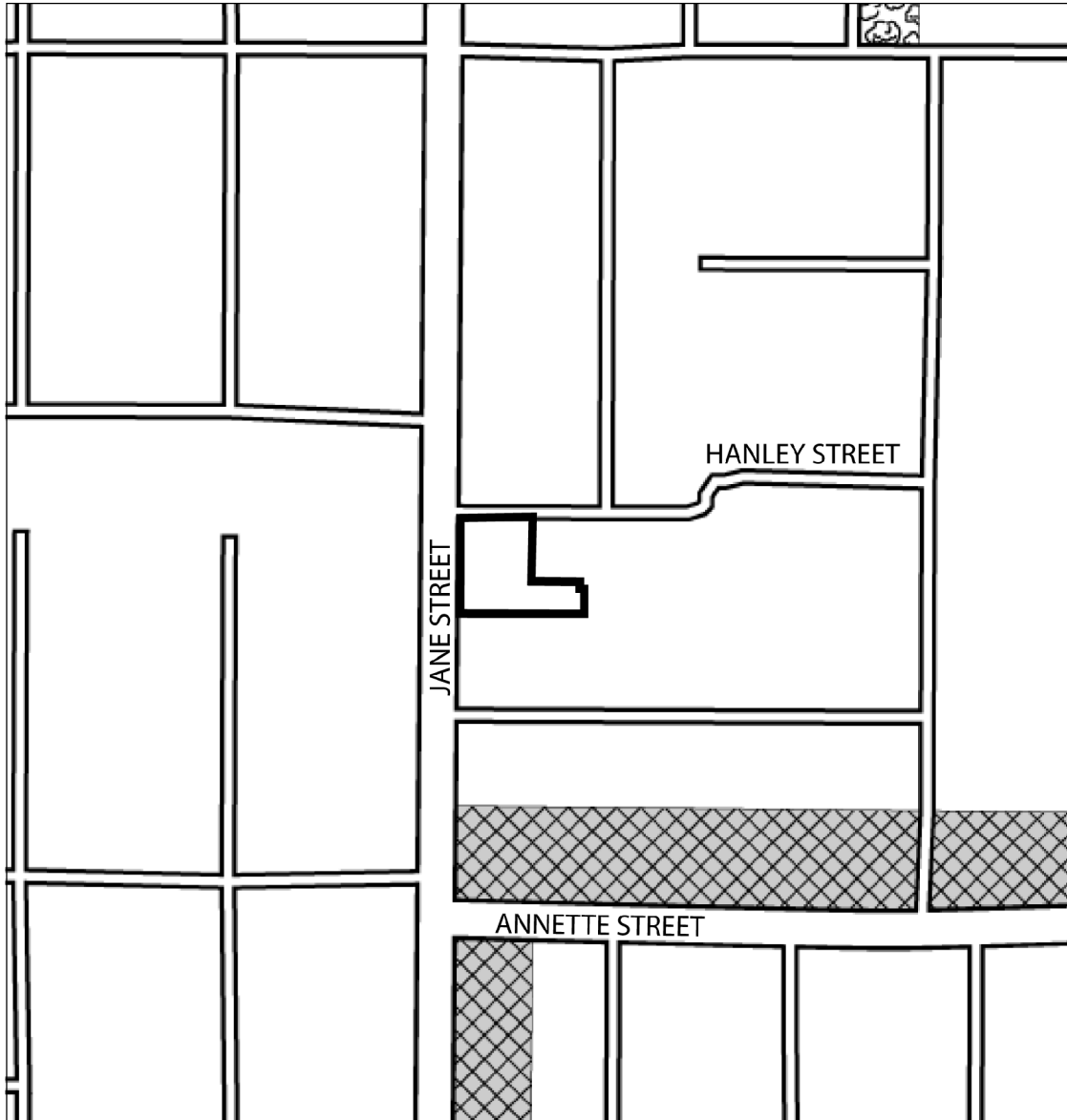
Former York Zoning By-law 1-83
 R1 Residential Zone
 R2 Residential Zone

Former Toronto Zoning By-law 438-86
 MCR Mixed-Use District



Not to Scale
 Zoning By-law 1-83 as amended
 Extracted 03/07/2013

Attachment 4: Official Plan



 **Toronto** City Planning
Official Plan

441 Jane Street

File # 13 118452 WET 13 OZ

-  Site Location
-  Neighbourhoods
-  Mixed Use Areas

- Parks & Open Space Areas
-  Parks


Not to Scale
03/07/13

Attachment 5: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Official Plan Amendment & Rezoning	Application Number:	13 118452 WET 13 OZ
Details	OPA & Rezoning, Standard	Application Date:	February 11, 2013

Municipal Address: 441 JANE STREET
 Location Description: PLAN 893 PT LOTS 21 22 23 24 25 & 26 **GRID W1302
 Project Description: Proposed amendments to the Official Plan and Zoning By-law to permit the development of 23 stacked townhouses with an associated underground parking garage.

Applicant:	Agent:	Architect:	Owner:
PRISHRAM JAIN			TACT DEVELOPMENT INC

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	R2	Historical Status:	
Height Limit (m):	11m with not more than 3 storeys	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	1252	Height:	Storeys:	5	
Frontage (m):	36.48		Metres:	13.5	
Depth (m):	27.09				
Total Ground Floor Area (sq. m):	0				Total
Total Residential GFA (sq. m):	2035		Parking Spaces:	24	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	2035				
Lot Coverage Ratio (%):	0				
Floor Space Index:	1.6				

DWELLING UNITS

Tenure Type:	Freehold
Rooms:	
Bachelor:	0
1 Bedroom:	5
2 Bedroom:	18
3 + Bedroom:	0
Total Units:	23

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):		1615 (approx.)	420 (approx)
Retail GFA (sq. m):		0	0
Office GFA (sq. m):		0	0
Industrial GFA (sq. m):		0	0
Institutional/Other GFA (sq. m):		0	0

CONTACT: PLANNER NAME: Natasha Laing, Planner
TELEPHONE: (416) 394-8205